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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/539,691

06/16/2005

Roland Peter Jan Mathijs Manders

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

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BRIARCLIFF MANOR, NY 10510

EXAMINER

ABRISHAMKAR, KAVEH

ART UNIT

PAPER NUMBER

2131

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/539,691	Applicant(s) MANDERS ET AL.	
	Examiner KAVEH ABRISHAMKAR	Art Unit 2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/16/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the communication filed on June 16, 2005. Claims 1-10 were originally received for consideration. Per the received amendment, claims 3-5, and 8-10 were amended.
2. Claims 1-10 are currently being considered.

Information Disclosure Statement

3. An initialed and dated copy of Applicant's IDS form 1449, received on June 16, 2005, is attached to this Office action.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Digimarc-Macrovision: "Response to FCC Notice of Proposed Rulemaking for Digital Broadcast Copy Protection" in view of Hirano et al. (U.S. Patent 7,046,807).

Regarding claim 1, Digimarc-Macrovision discloses:

Method for processing information corresponding to an analog signal wherein a digital watermark signal is hidden in the analog signal (page 9: Section 3.7: paragraph 2: "broadcast watermark") in such a way that the watermark signal may be extracted by a device receiving the analog signal (page 10: Section 3.7.1: paragraph 2: "watermark detector can be used to detect a watermark on an analog or digital channel").

Digimarc-Macrovision does not explicitly disclose embedding an encryption key being intended to be identified by an encoding device for using the key to encrypt a digitally code information sequence corresponding to said analog signal. In an analogous art, Hirano discloses embedding an encryption key in the header data as an electronic watermark (Hirano: column 7, lines 18-24). Digimarc-Macrovision anticipates encryption by stating that a broadcast watermark can be used to signal the receiver to encrypt the outputs (Digimarc-Macrovision: page 9, Section 3.7: paragraph 2). It would have been obvious to add an encryption key as a watermark so that the "contents user can conduct the user certification before he reproduces the digital content and it can prevent the unfair use" (Hirano: column 7, lines 22-24).

Claim 2 is rejected as applied above in rejecting claim. Furthermore, Digimarc-Macrovision discloses:

Method according to claim 1, wherein the watermark signal further comprises instructions on how the encoding device is intended to process the analog signal (Digimarc-Macrovision: page 9, Section 3.7: paragraph 2: a broadcast watermark can be used to signal the receiver to encrypt the outputs).

Claim 3 is rejected as applied above in rejecting claim 1. Furthermore, Digimarc-Macrovision discloses:

Method according to claim 1, wherein the watermark signal further comprises copyright information (page 9: Section 3.6: paragraph 3: the broadcast watermark can force the assertion of usage rights).

Claim 4 is rejected as applied above in rejecting claim 1. Furthermore, Digimarc-Macrovision discloses:

Method according to claim 1, wherein said processing further involves storing data corresponding to the analog signal on a storage medium (page 10: Section 3.7.2: paragraph 1: "enables copy-once capabilities").

Claim 5 is rejected as applied above in rejecting claim 1. Furthermore, Digimarc-Macrovision discloses:

Method according to claim 1 wherein said processing further involves broadcasting a signal corresponding to the analog signal (page 10, section 3.7.1: paragraph 2: protection for analog channels).

Regarding claim 6, Digimarc-Macrovision discloses:

Device for digitally encoding information corresponding to an analog signal, characterized by a watermark detector for detecting a watermark signal, hidden in the

analog signal (page 10: Section 3.7.1: paragraph 2: "watermark detector can be used to detect a watermark on an analog or digital channel"), an encoder for digitally encoding the analog signal (page 9: Section 3.7: paragraph 2: conversion back to digital) and an encrypting unit for encrypting the digitally encoded signal (Digimarc-Macrovision: page 9, Section 3.7: paragraph 2: a broadcast watermark can be used to signal the receiver to encrypt the outputs).

Digimarc-Macrovision does not explicitly disclose embedding an encryption key being intended to be identified by an encoding device for using the key to encrypt a digitally code information sequence corresponding to said analog signal. In an analogous art, Hirano discloses embedding an encryption key in the header data as an electronic watermark (Hirano: column 7, lines 18-24). Digimarc-Macrovision anticipates encryption by stating that a broadcast watermark can be used to signal the receiver to encrypt the outputs (Digimarc-Macrovision: page 9, Section 3.7: paragraph 2). It would have been obvious to add an encryption key as a watermark so that the "contents user can conduct the user certification before he reproduces the digital content and it can prevent the unfair use" (Hirano: column 7, lines 22-24).

Claim 7 is rejected as applied above in rejecting claim 6. Furthermore, Digimarc-Macrovision discloses:

Device according to claim 6, further comprising means for retrieving instruction from the watermark signal about how the analog signal should be processed (Digimarc-

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Macrovision: page 9, Section 3.7: paragraph 2: a broadcast watermark can be used to signal the receiver to encrypt the outputs).

Claim 8 is rejected as applied above in rejecting claim 6. Furthermore, Digimarc-Macrovision discloses:

Device according to claim 6 further comprising a decoder for decoding a digital input signal, such that a watermark signal, embedded in an analog signal corresponding to the digital input, may be retrieved (page 10: Section 3.7.1: paragraph 2: "watermark detector can be used to detect a watermark on an analog or digital channel").

Claim 9 is rejected as applied above in rejecting claim 6. Furthermore, Digimarc-Macrovision discloses:

Device according to any of the claim 6, wherein the encrypting unit uses a residential key to encrypt encoded analog signals which have no key embedded in a watermark signal (Digimarc-Macrovision: page 9, Section 3.7: paragraph 2: a broadcast watermark can be used to signal the receiver to encrypt the outputs).

Claims 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Digimarc-Macrovision: "Response to FCC Notice of Proposed Rulemaking for Digital Broadcast Copy Protection" in view of Hirano et al. (U.S. Patent 7,046,807) in further in view of Ripley et al. (U.S. Patent 7,111,169).

Claim 10 is rejected as applied above in rejecting claim 6. Digimarc-Macrovision in view of Hirano discloses a watermark detector, a key detector, an encoder, and an encrypting unit. However, Digimarc-Macrovision in view of Hirano does not explicitly state that all of the elements are on a single integrated circuit. Ripley discloses that a watermark detector, encryption stage, may all be implemented on a single integrated circuit (Ripley: column 7, lines 60-65). It would have been obvious to integrate the components on a single integrated circuit because it is well-known that it is more secure to house all components on one IC since all the communication is on the same circuit.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KAVEH ABRISHAMKAR whose telephone number is (571)272-3786. The examiner can normally be reached on Monday thru Friday 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kaveh Abrishamkar/
Examiner, Art Unit 2131

/K. A./
06/21/2008
Examiner, Art Unit 2131